IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 31609 of 2007(K)

PETITIONERS:

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1. S.NIRMALA DEVI, KATTUVILA,
   NEAR GUEST HOUSE, VARKALA,
   HAVING RESIDENCE AT SURYA, RAILWAY STATION ROAD,
   KAZHAKOOTTOM, THIRUVANANTHAPURAM. PIN 695582.

2. V.SASIKUMAR, PANAYIL(VASUDEVA VILASOM),
   JANARDANAPURAM, VARKALA P.O.

3. SASIKUMARI AMMA, VASUDEVA VILASOM,
   JANARDANAPURAM, VARKALA P.O.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY CHIEF
   SECRETARY TO GOVERNMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, COLLECTORATE,
   VANCHIYOOR P.O., THIRUVANANTHAPURAM.

3. VARKALA MUNICIPALITY REPRESENTED BY
   ITS SECRETARY.

R1 & R2 BY G.P. SHRI BASANT BALAJI
R3 BY ADV. SHRI J.S.AJIKUMAR, SC VARKALA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

W.P.(C) No.31609 of 2007 K

Dated, this the 31st day of October, 2007

JUDGMENT

The challenge in this Writ Petition is directed against the administrative sanction accorded by the Local Self Government by which permission was given to the Varkala Municipality to initiate proceedings for acquisition of land. According to the petitioners the entire move is with mala fides. It is argued that there are sufficient Government lands available and this action is initiated only to harass the petitioners who are having only small plots of lands having area of 25 cents. The order under challenge is one granting administrative sanction only. I do not think it is just and proper to interfere with the order at this stage. In case the competent authority issues a notification under Section 4 read with Section 17 (4) of the Land Acquisition Act it is open to the petitioners to challenge that notification.

Without prejudice to the right of the petitioners to raise all the contentions raised in this Writ Petition in case they propose to challenge the notification, if any, to be issued in respect of their property, this Writ Petition is closed.

K. PADMANABHAN NAIR,
JUDGE.

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